

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
New Horizons
Accountability Review - Monitoring Report 2012-2013

Team Members: Diane Reyelts, Team Leader and Rhonda Zinter, Educational Specialist

Date of On Site Visit: October 24, 2012

Date of Report: December 17, 2012

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION #1

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student.

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include a statement of the student's present levels of academic achievement and functional performance.

Corrective Action:

Student:	Prong 1--Required Action and Date to be Submitted:	Prong 2--Required Action and Date to be Submitted:
Student File # 5 The student's most recent IEP was written June 2012. Consent for reevaluation was acquired August 2012 and eligibility determination occurred September 2012. Following the eligibility determination, a new IEP was not developed. Therefore, the student's current IEP is not written to provide educational benefit based on the present levels of performance.	The agency must amend student's IEP to include present levels of performance based on the most recent evaluation. A copy of the written notice for meeting and student's amended IEP must be submitted to Special Education Program (SEP) within 45 days of the report date.	The agency must submit to SEP by October 1, 2013 a student file, which contains consent for reevaluation, evaluation report, documentation of eligibility form, and IEP for a reevaluation conducted since the onsite review.
Date Prong 1 Data Submitted: Status:		

Date Prong 2 Data Submitted:
Status:

GENERAL SUPERVISION #2

ARSD 24:05:25:03.03. Screening for instructional purposes. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services.

ARSD 24:05:25:03.04. Evaluation procedures -- Notice. The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.

ARSD 24:05:25:04.03. Determination of eligibility. Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Corrective Action:

Student:	Prong 1--Required Action and Date to be Submitted:	Prong 2--Required Action and Date to be Submitted:
Student Files # 1, 2, 3, 4 In each of the student files, consent was obtained to conduct evaluations in the areas of academic, transition, and adaptive. Only transition assessments were conducted. The results of the transition evaluations were not summarized into a report and provided to the parent.	The agency cannot correct the issues noted in these files. However, the agency must review and update its policy, procedure, and practice for: <ul style="list-style-type: none">• conducting skill-based assessments to update students' present levels of performance on an annual basis,• obtaining prior notice consent for evaluations conducted, and• developing evaluation reports that must be provided to parents.	Data submitted for prong 2 of General Supervision #1 listed above will be used to verify compliance.
Date Prong 1 Data Submitted: Status:		
Date Prong 2 Data Submitted: Status:		